

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

DENNIS JAMES SMITH, SR. *et al.*
ADC #120631

PLAINTIFFS

V.

NO: 5:08CV00085 BSM

LERON MEEKS *et al.*

DEFENDANTS

ORDER

The Court has reviewed the Proposed Findings and Recommended Disposition submitted by United States Magistrate Judge H. David Young. No objections have been filed. After careful consideration, the Court concludes that the Proposed Findings and Recommended Disposition should be, and hereby are, approved and adopted in their entirety as this Court's findings in all respects.

IT IS THEREFORE ORDERED THAT:

1. Plaintiff's complaint is DISMISSED WITHOUT PREJUDICE for failure to comply with Local Rule 5.5(c)(2).
2. The Court certifies that an *in forma pauperis* appeal taken from the order and judgment dismissing this action is considered frivolous and not in good faith.
3. Plaintiff's motion for appointment of counsel (DE # 21) is denied.

DATED this 10th day of July, 2008.


UNITED STATES DISTRICT JUDGE